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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,424	04/22/2004	Ari Tikka	60091.00305	8038

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EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2622

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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/829,424	TIKKA ET AL.	
	Examiner	Art Unit	
	Jason T. Whipkey	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 15 and 30 are objected to as failing to comply with 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 15 and 30 recite the limitation "compression means" on line 1. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claims will be treated as if they read, "compressing means".

Claim Rejections - 35 USC § 112

2. Claims 4, 15, 25, 30, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 4, 15, and 30 contain the trademark RealVideo[®]. Claims 25 and 34 contain the trademark Bluetooth[®].

Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark cannot be used properly to identify any particular material or product. A trademark is used to identify a source of goods, and not the goods

Art Unit: 2622

themselves. Thus, a trademark does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark is used to identify a compression format and a wireless interface, respectively, and, accordingly, the identification is indefinite.

See MPEP § 2173.05(u).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-8, 12-15, 17-20, 24-30, and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Yukie (U.S. Patent No. 6,956,833).

Regarding **claims 1 and 12**, Yukie discloses a communications system (see Figure 1) comprising:

at least one wireless terminal (wireless interface 12; see column 4, line 64, through column 5, line 4);

a video camera (user device 10 can be a video camera; see column 7, lines 36-47) coupled to the wireless terminal for providing the wireless terminal with a continuous data stream comprising at least video data (see *id.*);

a communications network (including Internet 22) with a wireless access network (a wireless connection is established with base station 14; see column 3, lines 29-41); and

data storage means (data server 16) connected to the communications network (see column 7, lines 36-47);

wherein the wireless terminal is configured to forward the data stream substantially instantly to the communications network wirelessly via said wireless access network (see *id.*);

the communications system is configured to store the data stream forwarded to the communications network in the data storage means (see *id.*); and

the communications network comprises means for enabling the stored data stream to be viewed and/or edited by a user terminal (either user device 10 or terminal 26) connected to the communications network (see column 4, lines 23-39), whereby the communications system is configured to divide the stored data into sections (data is stored in a number of files; see column 7, line 63, through column 8, line 7) for viewing and/or editing of the data (a file can be viewed upon request; see *id.*).

Regarding **claims 2, 13, and 28**, Yukie discloses:

the data stream provided by the video camera further comprises audio data and/or control data (see column 8, lines 22-26).

Regarding **claims 3, 14, and 29**, Yukie discloses:

the wireless terminal comprises compressing means for compressing the data before it is transmitted over an air interface between the wireless terminal and access network (the camera encodes the image data into MPEG for MPEG2 format [see column 7, lines 52-53], which are inherently compressed formats).

Regarding **claims 4, 15, and 30**, Yukie discloses:

the compression means are arranged to compress the data according to at least an MPEG compression format (see column 7, lines 52-53) or a RealVideo compression format.

Regarding **claim 17**, Yukie discloses:

the communications network comprises means for sending the stored data stream to a user terminal (either user device 10 or terminal 26) connected to the communications network (see column 4, lines 23-39).

Regarding **claims 6 and 18**, Yukie discloses:

the communications system is configured to provide a data sample of one or more sections (sample images; see column 8, lines 8-13) for the user terminal connected to the communications network and to view and/or edit the stored data on the basis of the data samples (the user can select a file to view based on the representative sample picture; see *id.*).

Regarding **claims 7, 19, and 35**, Yukie discloses:

the data sample of a section is a still picture (see column 8, lines 8-13).

Regarding **claims 8 and 20**, Yukie discloses:

the communications system is configured to provide the user terminal with one or more links corresponding to one or more sections of the stored data (a user is able to select one of the files shown, and the selected file is automatically played; see column 8, lines 2-7).

Regarding **claim 24**, Yukie discloses:

the communication system comprises a server for connecting the data storage means to the communications network (data server 16 is a data storage means; see column 7, lines 36-47).

Regarding **claims 25 and 34**, Yukie discloses:

the wireless access network provides an air interface according to one or more of the following types: GSM, GPRS, EDGE, WCDMA, wireless IP (see column 5, lines 14-21), Bluetooth, WLAN.

Regarding **claim 26**, Yukie discloses:

the data storage means comprises a mass memory device (including a fixed disk 124, a CD-ROM 126, "or other mass storage device"; see column 21, lines 45-47).

Regarding **claim 27**, Yukie discloses a wireless terminal (wireless interface 12; see column 4, line 64, through column 5, line 4) of a communications system (see Figure 1) comprising a communications network (including Internet 22) with a wireless access network (a wireless connection is established with base station 14; see column 3, lines 29-41), the terminal comprising:

Art Unit: 2622

means for receiving a continuous data stream comprising at least video data from a video camera (user device 10 can be a video camera; see column 7, lines 36-47); and

means for forwarding the received data stream substantially instantly to the communications network wirelessly via said wireless access network for storage (see column 7, lines 36-47);

wherein the wireless terminal is configured to view and/or edit the stored data stream (a file can be viewed upon request; see *id.*) such that, when the stored data is divided into sections for viewing and/or editing of the data (data is stored in a number of files; see column 7, line 63, through column 8, line 7), the wireless terminal is configured to receive a data sample of one or more sections (sample images; see column 8, lines 8-13) and to view and/or edit the stored data on the basis of the data samples (the user can select a file to view based on the representative sample picture; see *id.*).

Regarding **claim 32**, Yukie discloses:

the wireless terminal comprises a video camera (user device 10 can be a video camera; see column 7, lines 36-47).

Regarding **claim 33**, Yukie discloses:

the wireless terminal comprises means for coupling the wireless terminal to an external video camera (wireless interface 12 is removable; see column 4, line 66, through column 5, line 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5, 16, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie in view of Takei (U.S. Patent Application Publication No. 2002/0057350).

Claims 5, 16, and 31 can be treated like claims 1, 12, and 27, respectively. While Yukie discloses that image data can be stored before transmission (see column 7, lines 47-52), he is silent with regard to buffering the data in order to enable transmission error correction.

Takei discloses a wireless imaging device, wherein:

the wireless terminal (camera unit 102) comprises buffering means (buffer memory 414) for buffering the data in the wireless terminal before it is

transmitted over the air interface between the wireless terminal and access network in order to enable transmission error correction (see paragraph 83).

An advantage of buffering data in order to enable error correction is that the image-generating components of the camera need not pause operation in order to correct an unexpected error. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system buffer data in order to perform error correction.

8. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie in view of Anderson (U.S. Patent No. 6,683,649).

Claims 9 and 21 can be treated like claims 1 and 12, respectively. However, Yukie is silent with regard to performing editing.

Anderson discloses an imaging device, wherein:

the editing of the stored data (see column 9, lines 14-18) comprises one or more of the following: deleting one or more of the sections, changing the order of the sections, copying one or more of the sections (clips may be copied, moved, or deleted; see column 14, lines 28-29).

As stated in column 14, line 67, through column 15, line 4, an advantage of editing data on a camera is that the user need not have access to a PC. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system perform editing functions.

Art Unit: 2622

9. Claims 10, 11, 22, 23, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie.

Claims 10, 22, and 36 can be treated like claims 1, 12, and 27, respectively. However, Yukie is silent with regard to using Real Time Streaming Protocol.

Official Notice is taken that it was well known in the art at the time the invention was made to use RTSP for viewing stored video. An advantage of doing so is that a stream can be controlled (e.g., play, pause, record) on demand. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system use RTSP.

Claims 11, 23, and 37 can be treated like claims 1, 12, and 27, respectively. However, Yukie is silent with regard to using Session Initiation Protocol.

Official Notice is taken that it was well known in the art at the time the invention was made to use SIP for viewing video. An advantage of doing so is that it can be used with any transport layer. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system use SIP.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye, can be reached at (571) 272-7372. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 17, 2007



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SPE. ART UNIT 2622